

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **FERNANDO CRUZADO, M.D.**

4 Holder of License No. 30961
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-09-0472A

**ORDER FOR DECREE OF CENSURE
AND PROBATION AND CONSENT TO
SAME**

7 Fernando Cruzado, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Decree of Censure and Probation; admits
9 the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this
10 Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 30961 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-09-0472A after receiving a complaint
17 that Respondent allowed unlicensed medical staff to perform physical examinations and
18 healthcare duties that requires licensing credentials. It was also alleged that Respondent
19 allowed medical staff to practice outside their scope of practice and perform blood draws
20 without direct supervision by an appropriate licensed healthcare provider.

21 4. In December 2008, Respondent hired an unlicensed physician assistant (PA)
22 to work at the clinic. The PA performed physical examinations, saw patients for
23 emergencies, and made notations in the charts. Additionally, the clinic staff contacted the
24 PA and not Respondent for emergencies. Respondent presented to the clinic at least twice
25 a week to sign off on the charts. Respondent also hired a medical assistant (MA). The MA
performed blood draws under the supervision of the PA. Further, Respondent was

1 disciplined by the Board in April 2005 for employing the same unlicensed PA to perform
2 healthcare tasks. In response to the Board's investigation, Respondent admitted that the
3 MA performed blood draws when he was not present for direct supervision.

4 5. Specifically, patient AP presented to the clinic on January 14, 2009 for
5 treatment of a lacerated hand. The PA examined him, stitched his hand, administered a
6 tetanus shot and prescribed Keflex. The chart was signed by the PA and Respondent later
7 initialed it. On January 21, 2009, AP presented to the clinic to have his sutures removed
8 and for a physical examination. The MA drew AP's blood and the PA performed the
9 physical examination. Additionally, on January 29, 2009, patient TR presented for a
10 physical examination. TR's chart showed that the PA performed his physical examination
11 and the MA drew his blood. Respondent did not see TR during his visit.

12 **CONCLUSIONS OF LAW**

13 1. The Board possesses jurisdiction over the subject matter hereof and over
14 Respondent.

15 2. The conduct and circumstances described above constitute unprofessional
16 conduct pursuant to A.R.S. § 32-1401(27)(cc) ("[m]aintaining a professional connection
17 with or lending one's name to enhance the activities of an illegal practitioner of medicine.")
18 and A.R.S. § 32-1401 (27)(ii) ("[l]ack of or inappropriate direction, collaboration or direct
19 supervision of a medical assistant or a licensed, certified or registered health care provider
20 employed by, supervised by or assigned to the physician.").

21 **ORDER**

22 IT IS HEREBY ORDERED THAT:

23 1. Respondent is issued a Decree of Censure.

24 2. Respondent is placed on probation for ten years with the following terms
25 and conditions:

1 a. Respondent is prohibited from supervising physician assistants
2 pursuant to A.R.S. § 32-2533(E).

3 b. Obey All Laws

4 Respondent shall obey all state, federal and local laws, all rules governing
5 the practice of medicine in Arizona, and remain in full compliance with any court ordered
6 criminal probation, payments and other orders.

7 c. Tolling

8 In the event Respondent should leave Arizona to reside or practice outside
9 the State or for any reason should Respondent stop practicing medicine in Arizona,
10 Respondent shall notify the Executive Director in writing within ten days of departure and
11 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
12 time exceeding thirty days during which Respondent is not engaging in the practice of
13 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
14 non-practice within Arizona, will not apply to the reduction of the probationary period.

15 d. After five years, Respondent may petition to terminate the probation.
16 The Executive Director may require any combination of staff approved physical
17 examination, psychiatric and/or psychological evaluations, or successful passage of the
18 Special Purpose Licensing Examination or other competency examination/evaluation or
19 interview she finds necessary to assist her in determining whether to terminate the
20 probation. Respondent is responsible for all expenses related to any evaluation.
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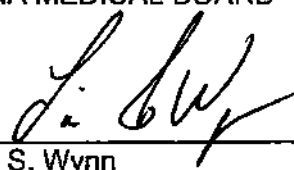
1 3. This Order is the final disposition of case number MD-09-0472A.

2 DATED AND EFFECTIVE this 2ND day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

6 By


Lisa S. Wynn
Executive Director

8

9 **CONSENT TO ENTRY OF ORDER**

10 1. Respondent has read and understands this Consent Agreement and the
11 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
12 acknowledges he has the right to consult with legal counsel regarding this matter.

13 2. Respondent acknowledges and agrees that this Order is entered into freely
14 and voluntarily and that no promise was made or coercion used to induce such entry.

15 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
16 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
17 this Order in its entirety as issued by the Board, and waives any other cause of action
18 related thereto or arising from said Order.

19 4. The Order is not effective until approved by the Board and signed by its
20 Executive Director.

21 5. All admissions made by Respondent are solely for final disposition of this
22 matter and any subsequent related administrative proceedings or civil litigation involving
23 the Board and Respondent. Therefore, said admissions by Respondent are not intended
24 or made for any other use, such as in the context of another state or federal government
25 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
any other state or federal court.

1 6. Upon signing this agreement, and returning this document (or a copy thereof)
2 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
3 the Order. Respondent may not make any modifications to the document. Any
4 modifications to this original document are ineffective and void unless mutually approved
5 by the parties.

6 7. This Order is a public record that will be publicly disseminated as a formal
7 disciplinary action of the Board and will be reported to the National Practitioner's Data
8 Bank and on the Board's web site as a disciplinary action.

9 8. If any part of the Order is later declared void or otherwise unenforceable, the
10 remainder of the Order in its entirety shall remain in force and effect.

11 9. If the Board does not adopt this Order, Respondent will not assert as a
12 defense that the Board's consideration of the Order constitutes bias, prejudice,
13 prejudgment or other similar defense.

14 10. Any violation of this Order constitutes unprofessional conduct and may result
15 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
16 consent agreement or stipulation issued or entered into by the board or its executive
17 director under this chapter") and 32-1451.

18 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2533(E), he cannot
19 act as a supervising physician for a physician assistant while his license is under
20 probation.

21 12. ***Respondent has read and understands the conditions of probation.***

22
23 
24 FERNANDO CRUZADO, M.D.

DATED: 10/15/09

1 EXECUTED COPY of the foregoing mailed
this 2nd day of December, 2009 to:

2
3 Randy Yavitz
4 Hunter Humphrey & Yavitz, PLC
2633 East Indian School Road, Suite 440
Phoenix, Arizona 85016

5 EXECUTED COPY of the foregoing mailed
6 this 2nd day of December, 2009 to:

7 Fernando Cruzado, M.D.
Address of Record

8 ORIGINAL of the foregoing filed
9 this 2nd day of December, 2009 with:

10 Arizona Medical Board
9545 E. Doubletree Ranch Road
11 Scottsdale, AZ 85258

12 
13 Arizona Medical Board Staff